

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Norris Bradley,)	
)	C/A No.: 8:06-0511-MBS
Petitioner,)	
)	
vs.)	
)	O R D E R
United States of America,)	
)	
Respondent.)	
_____)	

Petitioner Norris Bradley, proceeding pro se, filed a “Motion to Request Specific Performance of the Government to Issue a Letter of Recommendation to the State Authorities in Aiken County, South Carolina.” (Entry 1) The court has construed the motion as a petition for writ of mandamus.

In accordance with 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pretrial handling. By orders issued February 24, 2006 and August 7, 2006, the Magistrate Judge directed Petitioner to bring his case into proper form by completing and signing a financial certificate and statement of assets. When Petitioner did not comply, the Magistrate Judge filed a Report of Magistrate Judge in which she recommended that the petition be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. The Report of Magistrate Judge was sent to Petitioner at his last known address at Federal Correctional Institution, 2680 Highway 301 South, Jessup, Georgia 31599. The envelope containing the order was returned to the Clerk of Court on October 11, 2006, marked “RETURN TO SENDER - NOT DELIVERABLE AS ADDRESSED - UNABLE TO FORWARD” and “REFUSED.”

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a *de novo* determination of any portions of the Report of Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Petitioner was advised by order filed February 24, 2006 of his responsibility to notify the court *in writing* if his address changed. Petitioner was informed that his case could be dismissed for failing to comply with the court's order. It appears that Petitioner no longer wishes to pursue this action. For these reasons, the court concurs in the recommendation of the Magistrate Judge that the case be dismissed for failure to prosecute. Accordingly, the petition is dismissed pursuant to Rule 41(b) *with prejudice*.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

October 16, 2006

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.